



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY *
AND MUNICIPAL EMPLOYEES, COUNCIL 93 *

Petitioner *

CASE NO. A-0523

v. *

DECISION NO. 86-43

TOWN OF BEDFORD, NEW HAMPSHIRE *

PUBLIC WORKS DEPARTMENT *

Respondent *

APPEARANCES

Representing AFSCME, Council 93:

James Guyette, N.H. Representative

Representing the Town of Bedford:

Neil G. Gauthier, Esq., Counsel

Donald R. Price, Administrative Assistant

BACKGROUND

A petition for certification of a bargaining unit of all employees of the Town of Bedford (Town) Public Works Department and Sewer and Sanitation Department was filed by the American Federation of State, County and Municipal Employees, Council 93 (Union) on March 24, 1986. Positions to be included numbered fifteen and were listed as sewer technician, truckdrivers, working supervisor, foreman, laborers, landfill attendant, secretary, mechanic and equipment operators with the Director of Public Works the only exclusion.

Counsel for the Town filed objections to the inclusion of the position of (1) Sewer Technician inasmuch as he is under the jurisdictional review and appropriating authority of the Sewer Commission, an autonomous and independent commission with its own budgetary process and not answerable to the Board of Selectmen, and lacks the community of interest requirement under 273-A:8; (2) that the positions of Foreman and Working Supervisor exercise supervisory authority involving the significant exercise of authority; and (3) the position of Landfill Attendant has been improperly named and should be "Landfill Supervisor" who also possesses the supervisory authority over other employees in the unit.

A hearing on the petition was held in the PELRB (Board) office on May 20, 1986 with both parties represented.

FINDINGS OF FACT

The petition filed by the Union was correctly filed in accordance with RSA 273-A:10, I(a) and II with the required percentage of individual signature cards

from employees who wish to be represented exclusively by Council 93 in collective bargaining.

All are employed by the Town of Bedford and are paid by the Treasurer of the Town and are included in the Town's operating budget approved at Town Meeting. Appropriations for the various departments are all set by the Town.

The Town has a proposed personnel policy but to date no proposal has been adopted.

The Highway/Street Superintendent is in charge of scheduling, directing and supervising all highway maintenance and construction projects during the summer months and snow removal, sanding and salting operations during the winter. He oversees and directs work performed by all subcontractors and has the daily responsibility for the proper operation and maintenance of all highway equipment and direct supervision of all work crews.

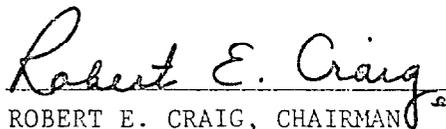
The Landfill Supervisor directs the full time and part time employees at the landfill but operates the various pieces of equipment along with the other employees.

The Highway Foreman works under the immediate direction of the Highway/Street Superintendent but also operates and performs daily maintenance of heavy duty trucks and equipments.

DECISION AND ORDER

A unit is hereby created composed of all employees of the Public Works, Sewer and Sanitation Departments of the Town of Bedford with the exception of the Director of Public Works and the Highway/Street Superintendent.

An election to determine if the employees wish to be represented by Council 93 for the purpose of collective negotiations will be conducted by the Public Employee Labor Relations Board as expeditiously as possible.



ROBERT E. CRAIG, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 11th day of July, 1986.

By unanimous vote. Chairman Robert E. Craig presiding. Members Richard E. Molan, Esq., Richard W. Roulx and Seymour Osman present and voting. Also present, Executive Director Evelyn C. LeBrun